

ENVIRONMENTAL PROTECTION AGENCY
REGION 1 - BOSTON

CLASS. NO.: 1200
DELEGATION NO.: 7-8

DELEGATION OF AUTHORITY

DATE: 2/22/17

CLEAN AIR ACT

7-8. Inspections and Information Gathering

1. PURPOSE AND AUTHORITY.

A. Purpose. To redelegate the authorities contained in Delegation 7-8 issued by EPA Headquarters on January 18, 2017.

B. Authority. Pursuant to the Clean Air Act (CAA), including Sections 114 and 307:

- a. to enter upon or through the premises of any person who owns or operates an emission source, who manufactures emission control equipment or process equipment, who the Regional Administrator believes may have information necessary for the purposes set forth in CAA Section 114, or who is subject to any requirements of the CAA, and to enter premises where records required to be maintained under the CAA are located;
- b. to have access, at reasonable times, to inspect and copy any records and inspect monitoring equipment or methods, which are required under the CAA, and to sample any emissions, which are required to be sampled under the CAA;
- c. to require enhanced monitoring and submission of compliance certifications by any owner or operator of a major stationary source or any other person;
- d. to give notice to the states of inspections, and determine if such notices are not required;
- e. to require the owner or operator of any emission source, or a person who manufactures emission control equipment or process equipment, or any person who the Regional Administrator believes may have information necessary for the purposes set forth in CAA Section 114, or any person subject to any requirement of the CAA to establish and maintain records, make reports, install, use and maintain monitoring equipment and use audit procedures or methods, sample emissions, keep records on control equipment parameters, production variables or other indirect data when direct monitoring of emissions is impractical, and provide other information as the Regional Administrator may reasonably require;

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- f. to obtain warrants for the purpose of performing inspections or information gathering;
- g. to execute warrants for the purpose of performing inspections or information gathering;
- h. to carry out any other inspection and information gathering activities authorized by the CAA;
- i. to require the carrying out of any other inspection and information gathering activities authorized by the CAA;
- j. to issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books and documents, and administer oaths and, in case of contumacy or refusal to obey such a served subpoena, to request the issuance of an order requiring persons to appear and give testimony, to appear and/or produce papers, books and documents before the Regional Administrator; and
- k. to designate representatives of the Regional Administrator to perform the functions contained in paragraphs 1.B.a. through 1.B.j.

2. TO WHOM REDELEGATED.

A. Authorities 1.B.a. through 1.B.e. and 1.B.g. through 1.B.k. are redelegated to the Director, Office of Environmental Stewardship (OES), and the Director, Office of Environmental Measurement and Evaluation (OEME), who may exercise this authority independently.

B. The authority in 1.B.f. is redelegated to the Director, Office of Environmental Stewardship (OES).

C. In OES, the authority to perform the functions of 1.B.a., 1.B.b., 1.B.g. and 1.B.h. is further redelegated by the Director, OES to the staff level, and no further.

D. In OES, the authority to perform the functions of 1.B.c. through 1.B.e, 1.B.i., and 1.B.k. is further redelegated by the Director, OES to the Manager, Technical Enforcement Office.

E. In OEME, the authority to perform the functions of 1.B.a., 1.B.b., 1.B.g. and 1.B.h. is further redelegated by the Director, OEME to the staff level, and no further.

3. REDELEGATION AUTHORITY.

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A. The authorities in paragraphs 1.B.a., 1.B.b., 1.B.f., 1.B.g., 1.B.h., and 1.B.j. may be redelegated to the staff level, and no further.

B. The authorities in paragraphs 1.B.c. through 1.B.e., 1.B.i. and 1.B.k. may be redelegated to the Section Chief, and no further.

C. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

4. LIMITATIONS.

A. Prior to issuing subpoenas, the Director, OEME, must consult with the Director, OES, or his/her designee, unless this consultation is waived by the Director, OES.

B. Prior to issuing subpoenas, delegates shall consult with the Manager, Legal Enforcement Office, OES, or his/her designee, regarding the legal sufficiency of the action.

C. Prior to obtaining warrants, the Director, OES shall consult with the Manager, Legal Enforcement Office, OES, or his/her designee, regarding the legal sufficiency of the action.

D. The Manager, Legal Enforcement Office, OES, or his/her designee, is responsible for any necessary consultation with the Regional Counsel, or his/her designee, regarding significant counseling issues related to warrants and subpoenas.

E. The Director, OES must consult with the Regional Administrator (RA) and the Assistant Administrator (AA) for the Office of Enforcement and Compliance Assurance (OECA), or his/her designee, prior to obtaining warrants.

F. These authorities may not be redelegated without the concurrence of the Regional Directives Officer, Human Resources Office, Office of Administration and Resource Management.

G. The AA for OECA, the AA for the Office of Land and Emergency Management (OLEM), and the AA for the Office of Air and Radiation (OAR) must notify the appropriate Regional Administrator prior to exercising inspection authority under paragraphs 1.B.a. through 1.B.i., except in the case of nationally managed programs.

H. The AA for OLEM may exercise these authorities only for purposes of implementing the CAA Section 112(r) program.

I. The AA for OAR and the AA for OLEM must consult with the AA for OECA

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prior to requesting warrants or issuing subpoenas.

5. ADDITIONAL REFERENCES.

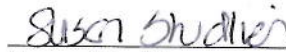
A. Section 114(a) and (d) and 307(a) of the CAA.

B. U.S. Environmental Protection Agency Order 3510, *EPA Federal Credentials for Inspections and Enforcement of Federal Environmental Statutes and Other Compliance Responsibilities*.

6. SUPERSESSSION. EPA Region 1 Delegation of Authority 7-8: Inspections and Information Gathering, dated November 6, 2000.



Deborah A. Szaro
Acting Regional Administrator



Susan Studien
Director, Office of Environmental Stewardship

2/22/17
Date

02/17/2017
Date



Arthur Johnson
Director, Office of Environmental Measurement and Evaluation

2/17/17
Date